

REMARKS

Claims 1-9, 15-18 and 41 are currently pending in this application. Claims 10-14, 57 and 60-63 are cancelled while the remaining claims have been previously withdrawn as a result of a restriction requirement.

On page two of the Office Action, the Examiner objects to claim 41 as not complying with 37 CFR 1.173(b). Claim 41 has been presented again as once-amended, however, the underlining of the term “; and” in line 16 of that claim has been removed.

All of the pending claims, except claims 1-9, 15-18 and 41 have been rejected based upon prior art. These claims, however, have only been rejected as being based upon the defective reissued oath/declaration under 35 U.S.C. 251 as stated on page 6 of the Office Action. The Examiner, however, indicates that such an oath/declaration must be received before this reissue application can be allowed. Nevertheless, the Applicant believes that this amendment places the claims in condition for allowance and with the submission of a proper supplemental reissue oath/declaration, the claims will be allowed. Therefore, the Applicant believes that this amendment complies with the requirements of 37 CFR 1.116(b)(1), whereby the amendment cancels claims and complies with any requirements of form, expressly set forth in a previous Office Action and should therefore be entered and considered responsive to the outstanding Office Action.

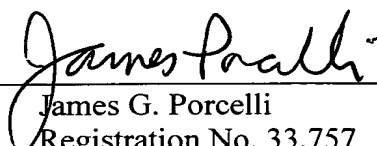
A completed supplemental reissue oath/declaration has not been submitted with this amendment because the two inventors have refused to sign the oath/declaration. As a result, the applicant is in the process of resolving this issue and the supplemental reissue oath/declaration will be forth coming in the near future.

Response Under 37 CFR 1.116
Expedited Procedure
Examining Group 3700
Application No. 10/712,917
Paper Dated September 7, 2006
Reply to USPTO Correspondence of May 8, 2006
Attorney Docket No. 3419-032151

Conditional allowance of claims 1-9, 15-18 and 41 are respectfully requested with the understanding that these claims will be allowed upon receipt of a properly executed supplemental reissue oath/declaration.

Respectfully submitted,

THE WEBB LAW FIRM

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